

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JUAN HERRERA, et al.,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 09cv756-JM (WMc)

ORDER

On March 29, 2010, the Court issued an Order directing Plaintiffs to serve their "Motion for Leave of Court to take Mr. Lopez's Deposition" on Mr. Daniel Lopez and his attorney of record. A review of the Court's electronic docket shows Plaintiff served notice in accordance with the Court's order on or about March 30, 2010. Mr. Lopez and/or his counsel have had over thirty days to submit a responsive pleading. The Court has received no response. Therefore, pursuant to Federal Rule of Civil Procedure 30(b)(2)(B) and based upon Plaintiffs' motion the Court GRANTS Plaintiff's motion to subpoena (for deposition) witness Daniel Lopez. However, because Daniel Lopez is currently housed at Kern Valley State Prison in the Eastern District of California, Plaintiffs are advised they must comply with the Federal Rules of Civil Procedure for subpoenaing an out-of-district nonparty witness.

IT IS SO ORDERED.

DATED: May 9, 2010



Hon. William McCurine, Jr.
U.S. Magistrate Judge
United States District Court